

## M E M O R A N D U M

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DATE: August 24, 2010

TO: Terri Briere, Planning and Development Committee Chair  
King Parker, Council Member  
Rich Zwicker, Council Member

FROM: Erika Conkling, AICP, Senior Planner

SUBJECT: **Proposed Changes to the Planning Commission Draft SMP**

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Over the last month, staff has been working with stakeholders on a number of changes to the Planning Commission Draft of the SMP. The excerpts below show proposed changes for the Planning and Development Committee's consideration that have been mutually agreed upon by the City and the stakeholder(s).

Changes pertaining to a general topic are grouped together, the general topic is shown in caps, bold, and underlined (e.g. **CRITICAL AREAS**). A summary of the request is shown italics with the stakeholder making the request showing in parenthesis next to it, along with the type of request that was made. For example, "*Designate Natural and Urban Conservancy Environments as Fish Habitation Conservation Areas.* (RSC- changed standard)" indicates that the Renton Shoreline Coalition asked for a standard to be changed pertaining to the designation of fish habitat conservation areas. There are three types of changes that are proposed in this document: *clarifications* that change language to make something easier to understand, *changed standards* that present a different standard than was previously considered, and *options* which added new standards or measures for achieving the same project objectives. Finally, the code sections being amended are shown underlined (e.g. 4-3-090D.2.c.iii), with only those subsections being amended shown. There may be a single code section, or several code sections that need to be changed to meet the italicized request.

### **CRITICAL AREAS**

*Designate Natural and Urban Conservancy Environments as Fish Habitation Conservation Areas.* (RSC- changed standard)

4-3-090D.2.c.iii

**Critical Area Regulations for Class 1 Fish Habitat Conservation Areas:** Environments designated as Natural or Urban Conservancy shall be considered Class 1 Fish Habitat Conservation Areas. Regulations for fish habitat conservation areas Class 1 Streams and Lakes, ~~pertaining to water bodies designated as shorelines,~~ are contained within the development standards and use standards of the Shoreline Master Program, including but not limited to RMC 4-3-090. F.1 Vegetation Conservation, which establishes vegetated buffers adjacent to water bodies and specific provisions for use and for shoreline modification in sections 4-3-090E and 4-3-090F. There shall be no modification of the required setback and buffer for non-water dependent uses in Class 1 Fish Habitat Conservation Areas without an approved shoreline conditional use permit.

Allow stormwater conveyance in wetland buffers on a case-by-case basis (Staff- clarification)

4-3-090D.2.c.ix (5)

**Stormwater Facilities:** Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls may be permitted within a Category I, II, III, or IV wetland buffer on a case by case basis if the following are met:

- (a) Due to topographic or other physical constraints, there are no feasible locations for these facilities to discharge to surface water through existing systems or outside the buffer. Locations and designs that infiltrate water shall be preferred over a design that crosses the buffer;
- (b) The discharge is located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation and avoids long term rill or channel erosion.

## **DOCKS**

Approve deviations in docks if consistent with other agency approvals (RSC- clarification)

This clarifies the language that would allow projects approved by USACE to be approved by the City.

4-3-090E7.c.ix Pier and Dock General Design Criteria

**Other Agency Requirements:** If deviation from the design standards specified in this section is required approved by another agency with permitting authority, it shall be allowed approved without a variance subject to all conditions and requirements of the approved agency permit.

Allow increased dock length and width (RSC- changed standard)

RMC 4-3-090E.7.d Design Standards for Docks

Single-Family	Joint Use and Community Docks
<b>WHEN ALLOWED:</b>	
Maximum of one pier or dock per developed waterfront lot or ownership.	A joint use dock may be constructed for two or more contiguous water front properties and may be located on a side property line, or straddling a side property line, common to both properties or be provided with an access easement for all lots served. <sup>1</sup> <del>Joint use docks or piers are allowed 1 vessel moorage consisting of an ell, finger pier, or float for each owner.</del> Joint use docks or piers serving more than four <del>vessels</del> <u>residences</u> shall be regulated as marinas.
<b>LENGTH-MAXIMUM</b>	
Minimum needed to provide moorage for <del>a single vessel and up to two personal watercraft (e.g. jet skis)</del> <u>a single-family residence, maximum of one ell and two fingers.</u> Maximum: 80 ft. from OHWM. <sup>2</sup>	Minimum needed to provide moorage for <del>a single vessel and up to two personal watercraft (e.g. jet skis) for each waterfront lot served</del> <u>the single-family residences or community being served.</u> Maximum: 80 ft. from OHWM. <sup>2</sup>
<b>WIDTH-MAXIMUM</b>	
<u>Maximum walkway: 4-6 ft.</u> <sup>4</sup>	<u>Maximum walkway: 6 ft.</u>

- 2. Maximum length is 80' (80 ft.) unless a depth of 8'-10' (8-10 ft.) cannot be obtained. In such circumstances the dock may be extended until the water depth reaches a point of 8'-10' (8-10 ft.) in depth at ordinary low water, ~~or to a maximum of 120' (120 ft.), whichever is reached first.~~

- ~~4. For piers or docks with no ells and fingers, the most waterward 26' (26 ft.) section of the walkway may be up to 6' (6 ft.) wide.~~

*Expand Provisions for Piling Replacement (RSC- clarification)*

4-3-09E7.e Maintenance and Repair of Docks:

Existing docks or piers that do not comply with these regulations may be repaired in accordance with the criteria below.

- i. When the repair and/or replacement of the surface area exceeds thirty percent (30%) of the surface area of the dock/pier, light penetrating materials must be used for all replacement parts and components. For floating docks, light penetrating materials shall be used where feasible, and as long as the structural integrity of the dock is maintained.
- ii. When the repair involves replacement of the surfacing materials only, there is no requirement to bring the dock/pier into conformance with dimensional standards of this section.
- iii. When the repair/replacement involves the replacement of more than 50% of the pilings, or more, the entire structure shall be replaced in compliance with these regulations. For floating docks, when the repair/replacement involves replacement of more than 50% of the total supporting structure (including floats, pilings, or cross-bars), the entire structure shall be replaced in compliance with these regulations.

*Clarify that variances must comply with all other design regulations (Muckleshoot Tribe- clarification)*

4-3-090E.7.g Variance to Dock and Pier Dimensions

- i. Requests for greater dock and pier dimensions than those specified above may be submitted as a shoreline variance application, unless otherwise specified.
- ii. Any greater dimension than those listed above may be allowed subject to findings that a variance request compiles with:
  - (1) The general criteria for shoreline variance approval in RMC 4-9-190F.4.
  - (2) The additional criteria that the allowed dock or pier cannot reasonably provide the purpose for which it is intended without specific dimensions to serve specific aspects of a water-dependent use.

(3) Meets the general criteria for all new and expanded piers and docks in subsection RMC 4-3-090E.7.a.

**SETBACKS AND BUFFERS**

*Reduced Setbacks and Buffers for Existing Single-Family Homes (RSC- changed standard and added options)*

4-3-090F.1.c

**Alternative Vegetated Buffer Widths and Setbacks for Existing Single-Family Lots**

- i. **Reduced-Modified Requirements Based on Lot Depth:** The ~~reviewing official~~ Reviewing Official ~~may~~ shall apply the following vegetation buffers and building setbacks for existing single-family residences and existing single-family lots consisting of property under contiguous ownership without a variance. Lot depth shall be measured from the ordinary high water mark in a perpendicular direction to the edge of the contiguously owned parcel or to an easement containing existing physical improvements for road access for two or more lots.

Lot Depth	Building Setback	Vegetated Buffer
<del>Greater than 180 feet</del>	<del>60 feet</del>	<del>25 feet</del>
Greater than 130 feet, <del>up to 180 feet</del>	45 feet	20 feet

100 feet, up to 130 feet	35 feet	15 feet
Less than 100 feet	25 feet	10 <del>10</del> feet

**ii. Setback Modifications for Reduction in Impervious Coverage:** Existing single-family residences on existing single-family lots subject to the setback standards in 4-3-090F.1.c.i may reduce their setback by making one or more of the site improvements listed below. In no case shall the setback be reduced to less than 25 ft. The reduced setback and site improvement shall be recorded in a covenant approved by the City Attorney. The site improvement shall be maintained by the property owner.

(a) The setback shall be reduced by five feet (5') for every 250 sq.ft. of existing impervious surface removed.

(b) The setback shall be reduced for a properties that agree to reduce future impervious coverage to a standard lower than the standard in RMC 4-3-090D.7.a Shoreline Bulk Standards. The reductions shall be five feet (5') for every 250 sq.ft. of future impervious surface coverage that is limited, and recorded as a maximum impervious coverage standard (in percent), rounded down to the nearest whole number.

(c) Properties that replace existing rigid shoreline stabilization with preferred alternatives under RMC 4-3-090F.4.a.iii Shoreline Stabilization Alternatives Hierarchy shall qualify for a setback reduction that correlates with the degree in improvement in ecological function and value that is expected to result from the change, as reported in a supplemental stream/lake study.

(d) Properties that propose projects to improve habitat functions and values shall qualify for a setback reduction that correlated with the degree in improvement in ecological function and value that is expected to result from the project, as reported in a supplemental stream/lake study.

**iii. Reductions-Setback Modifications for Narrow Lots:** For such lots with a lot width of less than 60 feet, setbacks and buffers may be reduced by ten (10) percent, but no less than:

(1) Building setback: 25 feet

(2) Vegetated buffer: ~~15-10~~ feet

**iv. Other Setbacks May be Reduced:** ~~Variance-Modification~~ from the front and side yard standards may be granted administratively if needed to meet the established setback from OHWM, as specified in this section and if standard variance criteria are met.

*Setback and Vegetation Conservation reductions for High Intensity (RSC- clarification and changed standards)*

4-3-090D.7.a Shoreline Bulk Standards

Setbacks and Buffers	
Structure Setback from Ordinary High Water Mark (OHWM)- Minimum <sup>11</sup>	

(3) Water-oriented uses may be established closer to OHWM only in cases where the Vegetation ~~Management~~Conservation Buffer is ~~varied~~modified in accordance with RMC 4-3-090.F.1 Vegetation Conservation. ~~and Buildings~~ shall be no closer than 50 feet, except as consistent with a Master Site Plan approved prior to the adoption of this Section.

(4) Non-water-oriented uses may be established closer to OHWM only in cases where the Vegetation ~~Management~~Conservation Buffer is ~~varied~~modified in accordance with RMC 4-3-090F.1 Vegetation

Conservation, and Buildings shall be no closer than 75 feet, except as consistent with a Master Site Plan approved prior to the adoption of this Section.

(11) Architectural features of buildings, such as eaves or balconies, building elements above the first floor, may project a maximum of 5' (5 ft.) into the buffer/setback area as established in this table, or as modified by RMC 4-3-090F.1 Vegetation Conservation.

Coverage Standards						
	Natural	Urban Cons.	Single-Family	High Intensity	High Intensity-Isolated	Aquatic
<u>Impervious Area allowed within the Buffer/Setback</u>	<u>Not allowed</u>	<u>5%<sup>12</sup></u>	<u>5%<sup>12</sup></u>	<u>5%<sup>12</sup></u>	<u>Governed by underlying zoning in RMC 4-2</u>	
Impervious Area within 100 feet of OHWM- Maximum	Not allowed	<del>5%</del> /10% <sup>8</sup>	<del>5%</del> /50% <sup>8</sup>	<del>5%</del> /50% <sup>8</sup>	Governed by underlying zoning in RMC 4-2	
Lot Coverage for Buildings within 100 feet of OHWM- Maximum	5% <sup>9</sup>	5%. <sup>9</sup>	<del>25</del> 35% <sup>9</sup>	None <sup>9</sup>	Governed by underlying zoning in RMC 4-2	
Lot Coverage for Buildings more than 100 feet from OHWM- Maximum	5%	15%	35%	Governe d by underlyin g zoning in RMC 4-2	Governed by underlying zoning in RMC 4-2	

8) ~~Up to 5% impervious surface is allowed in Vegetation Conservation Area buffers for access to the shoreline, or a pathway up to 6 feet wide, whichever is greater, provided that in~~ cases where the depth of the Vegetation ~~Management Conservation Buffer~~buffer/setback is ~~varied~~ modified in accordance with RMC 4-3-090.F.1 Vegetation Conservation, that portion of the first 100 feet from OHWM upon which development is to be located ~~may be~~ is permitted a maximum of 50% impervious surface, unless a different standard is stated below:

**Lake Washington Reaches H and I** – Up to 75% impervious surface, except as consistent with a Master Site Plan approved prior to the adoption of this Section.

**Lake Washington Reach J** – No limit is provided for the Renton Municipal Airport.

**Cedar River Reach A** – No limit is provided for the Renton Municipal Airport.

**Cedar River Reach B and C** – No limit to impervious surface.

**Cedar River Reach D** – No more than 5% impervious surface.

**Springbrook Creek Reaches B through D** – No more than 65% impervious surface.

(9) No building coverage is allowed in Vegetation Conservation ~~Area~~ buffers. If the buffer depth is ~~varied~~ modified in accordance with RMC 4-3-090.F.1 Vegetation Conservation, that portion of the first 100 feet from OHWM upon which development is to be located ~~may be~~ is permitted the following coverage:

**Lake Washington High Intensity Overlay District**— Up to 50% building coverage, except as consistent with a Master Site Plan approved prior to the adoption of this Section.

**Cedar River Reach A** — Up to 20% for the Renton Municipal Airport.

**Cedar River Reach B** — No limit on building coverage

**Cedar River Reach C** — Up to ~~50~~65% building coverage, or up to 75% if parking is provided within a building or parking garage (parking stalls may not be located within 100' (100 ft.) of OHWM).

**Cedar River Reach D** — No more than 5% building coverage

**Green River A** — Up to 50% building coverage

**Springbrook Creek Reach A** — No more than 5% building coverage

**Springbrook Creek Reaches B through D** - Up to 50% building coverage

(12) Up to 5% impervious surface is allowed in Vegetation Conservation buffers/setbacks for access to the shoreline, or a pathway up to 6 feet wide, whichever is greater. For projects that provide public access and the opportunity for substantial numbers of people to enjoy the shoreline, up to 25% impervious surface is allowed, provided that no more than 5% impervious surface is allowed closer than 25' (25 ft.) from OHWM.

#### 4-3-090F.1.d.iv

iv. **Buffer and Setback Reduction Standards:** Based upon an applicant's request, and the acceptance of a ~~Supplemental Standard~~ Stream or Lake Study, the ~~reviewing official~~Reviewing Official may approve a reduction in the standard buffer widths/setbacks by up to ~~20-50~~ percent if within the High Intensity Overlay or by up to 25 percent in all other Shoreline Overlays, except when the buffer widths/setbacks are established by subsection 4-3-090.F.1.c Alternative Vegetated Buffer Widths and Setbacks for Existing Single-Family Lots, above, where the applicant can demonstrate compliance with applicable criteria in the subsections below: ~~and any mitigation requirements applied as conditions of approval.~~

(1) The proposal complies with either of the following two criteria:

(a) The ~~abutting land~~area of the proposed reduced-width buffer is ~~already~~ extensively vegetated with native species, including trees and shrubs, and has less than 5 percent non-native invasive species cover ~~and has less than fifteen percent (15%) slopes~~; or

(b) The ~~area of the proposed reduced-width~~ buffer can be enhanced with native vegetation and removal of non-native species ~~and has less than fifteen percent (15%) slopes~~; and

~~(1)~~(2) The proposed project, with width reduction, will result in no net loss of ecological functions as consistent with subsection RMC 4-3-090D.2.a No Net Loss of Ecological Functions. The width reduction will not reduce stream or lake ecological functions, including those of anadromous fish or non-fish habitat; and

~~(2) The width reduction will not degrade riparian habitat; and~~

~~(3) No direct or indirect, short-term or long-term, adverse impacts to regulated water bodies will result from a regulated activity. The Reviewing official's determination shall be based on specific site studies by recognized experts, pursuant to RMC 4-9-190 E.4. Reduction of the buffer/setback shall not create the need for rigid shoreline stabilization as described in subsections (4) and (5) of 4-3-090F.4.iii Shoreline Stabilization Alternatives Hierarchy.~~

(4) The reduction shall not create any adverse impacts to other property in the vicinity.

(5) Review Procedures:

a. Buffer reductions in the High Intensity Overlay shall be approved by the Reviewing Official as part of a Substantial Development Permit. Buffer reductions in all other Shoreline Overlays shall be processed through a shoreline conditional use permit,

- pursuant to RMC 4-9-190I Variances and Conditional Uses.
- b. Written findings shall be made to demonstrate that the buffer reduction substantially implements the criteria of this section.

(3)-

## **NON-CONFORMITY**

*Indicate that the rules for non-conforming bulkheads and docks are in the shoreline rules. (RSC-clarification)*

4-10-095A

**Nonconforming Structures:** Nonconforming structures shall be governed by RMC 4-10-050 Nonconforming Structures, with the exception of docks and piers, which shall be governed by RMC 4-3-090E.7 Piers and Docks, and shoreline stabilization structures, which shall be governed by 4-3-090F.4 Shoreline Stabilization.

*Modify the regulations pertaining to non-conformity to allow existing single-family homes to be considered conforming, to allow alternatives to shoreline buffers, and to allow expansion outside of the required setback and buffer. (RSC-changed standards and added options)*

4-10-095F

### **Partial and Full Compliance, Alteration of Nonconforming an Existing Structure or Site:**

The following provisions shall apply to lawfully established uses, buildings and/or structures and related site development that do not meet the specific standards of the Shoreline Master Program. Alteration or expansion of existing structures may take place with partial compliance with the standards of this code, as provided below, provided that the proposed alteration or expansion will result in no net loss of shoreline ecological function. In no case shall a structure with a non-conforming setback from the shoreline be allowed to extend further waterward than the existing structure.

#### **1. Partial Compliance for Non-Single-Family Development:**

The following provisions shall apply to all development except single family:

<b>Alteration of <u>a Non-conforming an Existing</u> Structure</b>		<b>Compliance Standard</b>
Alteration Without Expansion	Expansion or remodel that does not change the building footprint or increase impervious surface.	No site changes required.
Minor Alteration	Expansion of building footprint by up to 500 sq.ft. or up to 10% (whichever is less); or	<ul style="list-style-type: none"> <li>• <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Partial compliance with Vegetation Conservation provisions of RMC 4-3-090.F.1 Vegetation Conservation consisting of revegetation of a native community of at least 50% of the area between an existing building and the water's edge, provided that the area to be revegetated does not exceed 10 feet, unless a greater area is desired by the applicant, <u>or</u></u></li> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by the Reviewing Official that would provide at least equal protection of ecological functions</u></li> </ul> </li> </ul>
	Expansion of impervious surface by up to 1,000 sq. ft. or up to 10% (whichever is less); or	
	Remodeling or renovation that equals less than 30% of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.	



		<p><u>and processes as the full required setback and buffer.</u></p> <ul style="list-style-type: none"> <li>• Remove over water structures that do not provide public access, or do not serve a water-dependent use.</li> </ul>
Moderate Alteration	<p>Expansion of building footprint by more than 500 sq. ft. or between 10.1-25% (whichever is less); or</p> <p>Expansion of impervious surface by more than 1,000 sq. ft., or between 10.1-25% (whichever is less); or</p> <p>Remodeling or renovation that equals 30.1-50% of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.</p>	<ul style="list-style-type: none"> <li>• <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Partial compliance with Vegetation Conservation provisions of RMC 4-3-090.F.1 Vegetation Conservation consisting of revegetation of a native community of at least 80% of the area between an existing building and the water's edge, or at least 10 feet, or</u></li> <li>○ <u>- An alternate mitigation proposal prepared by a qualified professional and approved by the Reviewing Official that would provide at least equal protection of ecological functions and processes as the full required setback and buffer.</u></li> </ul> </li> <li>• Remove over water structures that do not provide public access, or do not serve a water-dependent use.</li> <li>• Piers and Docks shall be required to replace any solid surfaces with light penetrating surfacing materials.</li> <li>• <del>Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this code shall be replaced with conforming shoreline stabilization structures in accordance with the standards for new shoreline stabilization structures in RMC 4-3-090F.4 Shoreline Stabilization.</del></li> </ul>
Major Alteration	<p>Expansion of building footprint by more than 25%; or</p> <p>Expansion of impervious surface by more than 25%; or</p> <p>Remodeling or renovation that equals more than 50% of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.</p>	<ul style="list-style-type: none"> <li>• <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Compliance with Vegetation Conservation provisions of RMC 4-3-090.F.1 Vegetation Conservation consisting of revegetation of a native community of the full required buffer, or 100% of the area between an existing building and the water's edge if the full buffer cannot be planted, or</u></li> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by the Reviewing Official that would provide at least equal protection of ecological functions and processes as the full required setback and buffer.</u></li> </ul> </li> <li>• <del>Docks shall be required to replace solid decking with light penetrating surfacing materials.</del></li> </ul>



		<ul style="list-style-type: none"> <li>• <u>Developments with existing shoreline stabilization shall mitigate for the impacts of the shoreline stabilization in one of the following ways:</u> <ul style="list-style-type: none"> <li>○ <u>Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this code shall be reviewed according to the standards of RMC 4-3-090F.4.a.iii Shoreline Stabilization Alternatives Hierarchy, or</u></li> <li>○ <u>An alternative mitigation proposal prepared by a qualified professional and approved by the Reviewing Official that would identify near shore mitigation to improve shoreline functions or values on-site, or</u></li> <li>○ <u>If the two alternatives above are infeasible, than the project proponent shall contribute to an off- site vegetation conservation fund, in accordance with RMC 4-3-090F.1.k</u></li> </ul> </li> </ul>
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**2. Partial Compliance for Single-Family Development:** Lawfully constructed single-family homes built before the adoption of the Shoreline Master Program ({Insert Ordinance Adoption Date Here}) shall be considered conforming. Such structures shall also be considered conforming if expansion is consistent with the standards below: The following provisions shall apply to single-family development:

<b>Alteration of <del>a Non-conforming</del> Existing Structure</b>		<b>Compliance Standard</b>
Alteration Without Expansion	Expansion or remodel that does not change the building footprint or increase impervious surface.	No site changes required.
Minor Alteration	Expansion of building footprint by up to 500 sq.ft. <del>or up to 10% (whichever is less) outside of the required setback</del> ; or	<u>No site changes required.</u> <ul style="list-style-type: none"> <li>• <del>Partial compliance with Vegetation Conservation provisions of RMC 4-3-090.F.1 Vegetation Conservation consisting of revegetation of a native community of at least 50% of the area between an existing building and the water's edge provided that the area to be revegetated shall not be more than 10 feet, unless a greater area is desired by the applicant. Remove over water structures that do not provide public access, or do not serve a water-dependent use.</del></li> </ul>
	Expansion of impervious surface by up to 1,000 sq. ft. <del>or up to 10% (whichever is less) outside of the required setback</del>	
Moderate Alteration	Expansion of building footprint <u>within the required setback in any amount, or total expansion by of more than 500 sq. ft. to 1,000 sq. ft. or between 10.1-25% (whichever is less);</u> or	<ul style="list-style-type: none"> <li>• <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Partial compliance with Vegetation Conservation provisions of RMC 4-3-090.F.1 Vegetation Conservation consisting of revegetation of a native community of at</u></li> </ul> </li> </ul>

	Expansion of impervious surface <u>within the required setback in any amount, or total expansion by of more than 1,000 sq. ft. to 1,500 sq.ft., or between 10-25% (whichever is less)</u>	<p>least 80% of the area between an existing building and the water's edge, <del>or at least 10 feet,</del> provided that the area to be revegetated shall not be more than 25% of the lot depth feet, <del>or</del></p> <ul style="list-style-type: none"> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by the Reviewing Official that would provide at least equal protection of ecological functions and processes as the full required setback and buffer.</u></li> <li>● <del>Remove over water structures that do not provide public access, or do not serve a water dependent use.</del></li> <li>● <del>Piers and</del> Docks shall be required to replace <del>any solid surfaces</del> <u>solid decking</u> with light penetrating surfacing materials. Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this code shall be replaced with conforming shoreline stabilization structures in accordance with the standards for new shoreline stabilization structures in RMC 4-3-090F.4 Shoreline Stabilization.</li> </ul>
Major Alteration	<p>Expansion of building footprint by more than <del>25%</del> <u>1,000 sq.ft., or</u></p> <p>Expansion of impervious surface by more than <del>25%</del> <u>1,500 sq.ft.</u></p>	<ul style="list-style-type: none"> <li>● <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Compliance with Vegetation Conservation provisions of RMC 4-3-090.F.1 Vegetation Conservation consisting of revegetation of a native community of the full required buffer, or 100% of the area between an existing building and the water's edge if the full buffer cannot be planted, or</u></li> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by the Reviewing Official that would provide at least equal protection of ecological functions and processes as the full required setback and buffer.</u></li> </ul> </li> <li>● <u>Docks shall be required to replace solid decking with light penetrating surfacing materials.</u></li> <li>● <u>Developments with existing shoreline stabilization shall mitigate for the impacts of the shoreline stabilization in one of the following ways:</u> <ul style="list-style-type: none"> <li>○ <u>Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this code shall be reviewed according to the standards of RMC 4-3-090F.4.a.iii Shoreline Stabilization Alternatives Hierarchy, or</u></li> <li>○ <u>An alternative mitigation proposal prepared by a qualified professional and approved by the Reviewing Official that would identify near shore mitigation to improve shoreline functions or values on-site, or</u></li> <li>○ <del>If the two alternatives above are infeasible, then the project proponent shall contribute to an off-site vegetation conservation fund, in accordance with RMC 4-3-090F.1.k</del></li> </ul> </li> </ul> <p><del>Full compliance required with all development standards for new structures, including, but not limited to: primary and accessory</del></p>

		<del>structures, docks, and shoreline stabilization structures if such structures are not otherwise permitted by the provisions of RMC 4-3-090 Shoreline Master Program.</del>
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#### 4-3-090F.1.k

**Off-site Vegetation Conservation Fund:** The city shall provide a fund for off-site provision of areas for Vegetation Conservation. ~~The Reviewing Official and may shall~~ assess charges to new development that ~~has been granted variance because the do not fully meet the standard~~ Vegetation Conservation Buffer requirement ~~of 100 square feet of vegetated area per linear foot of shoreline cannot be met on site.~~ ~~The Reviewing Official shall also assess charges to existing development subject to major alterations in which on-site shoreline stabilization mitigation is infeasible according to RMC 4-10-095F Partial and Full Compliance, Alterations of an Existing Structure or Site.~~ Credit shall be given for areas of vegetation buffer on the shoreline provided by development. Expenditures from such a fund for provision of areas where the functions of shoreline vegetation conservation would be provided shall be in accordance with the Restoration Plan or other watershed and aquatic habitat conservation plans and shall be spent within the WRIA in which the assessed property is located.

#### **PUBLIC ACCESS**

*Implement a Community Access standard for residential projects (P&DC and RSC- changed standard)*  
Policy SH-1 ...

5. Future shoreline subdivision, multi-family developments, and planned urban developments of ~~four or~~ more ~~than four~~ units should provide public benefits, including ecological protection and restoration, and/or public ~~or community~~ access.

#### 4-3-090D.4.b.iii

~~Developments of more than ten (10) single-family residential lots or single-family dwelling units, including subdivision, within a proposal or a contiguously owned parcel are required to provide public access.~~ Developments of more than four (4), ~~but less than ten (10)~~ single-family residential lots or single-family dwelling units, including subdivision, within a proposal or a contiguously owned parcel are required to provide ~~community public~~ access.

#### 4-3-090E.9 Residential Development (subsections a-c only)

- a. **Single-family Priority Use and Other Residential Uses:** Single-family residences are a priority on the shoreline under the Shoreline Management Act (RCW 90.58.020). All other residential uses are subject to the preference for water-oriented use and must provide for meeting the requirements for ecological restoration and ~~/or~~ public access.
- b. **General Criteria:** Residential developments shall be allowed only when:
  - i. Density and other characteristics of the development are consistent with the Renton Comprehensive Plan and Zoning Code.
  - ii. Residential structures shall provide setbacks ~~and buffers~~ as provided in Section RMC 4-3-090.D.7 Standards for Density, Setbacks and Height, ~~or as modified under the provisions of RMC 4-3-090F.1 Vegetation Conservation.~~
  - iii. —
  - iv. ~~Buffers are provided consistent with the vegetation conservation provisions of RMC 4-3-090.F.1 Vegetation Conservation.~~
- c. **Public Access Required:** ~~Unless deemed inappropriate due to health, safety or environmental concerns, n~~ New single-family residential developments, including subdivision of land for ~~more than four (4) ten or more (10)~~ parcels, shall provide public access in accordance with Section RMC 4-3-

090.D.4 Public Access. Community access shall be required for short subdivisions of more than four, but less than ten units.

Unless deemed inappropriate due to health, safety or environmental concerns, new multi-family developments shall provide a significant public benefit such as providing public access and/or ecological restoration along the water's edge. For such proposed development, a community access plan may be used to satisfy the public access requirement if the following written findings are made by the Reviewing Official:

- i. the community access plan allows for a substantial number of people to enjoy the shoreline; and
- ii. the balance of the water front not devoted to public and/or community access shall be devoted to ecological restoration.

~~condominium, planned unit developments, and subdivisions except short plats of four or fewer units, shall provide public access along the water's edge; in the case of subdivisions adjacent to public waterways shall provide access to a point that abuts the water and provide physical access to public waterways.~~

#### 4-11-030

COMMUNITY ACCESS: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A means of physical approach to and along the shoreline available to the residents, tenants, customers, patrons, guests, and/or other authorized users of a development.

*Clarify that most types of development have the option of public access and/or ecological restoration (RSC-clarification)*

#### Policies on Shoreline High-Intensity Overlay District

**Objective:** The objective of the High Intensity Overlay is to provide opportunities for large-scale office and commercial employment centers as well as multi-family residential use and public services. This district provides opportunities for water-dependent and water-oriented uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded ~~and/or. Development will also provide~~ inge for public use, especially access to and along the water's edge.

Public Access: Priority is also given to planning for public visual and physical access to water in the High Intensity Overlay District. Identifying needs and planning for the acquisition of urban land for permanent public access to the water is addressed in Public Access regulations in 4-3-090.E.4.g Table of Public Access Requirements by Reach. Public access is one of the primary public benefits that may be necessary to locate development on the shoreline.

#### Policy SH-23

Future multi-family, planned unit developments, subdivisions, commercial, and industrial developments ~~shall that~~ provide physical and visual public access along the water's edge ~~consistent with the~~ should be guided by policy provided in Policy SH-~~26-31~~ Table of Public Access Objectives by Reach Policy SH-26-31.

#### Policy SH-31 (Add preamble)

The following table outlines the policy objectives for maintaining and improving public access within the shoreline. Application of public access objectives should be considered along with other objectives of the SMA, including ecological restoration and priority uses.

#### Policy SH-31- Cedar River Reach C

A public trail is provided on the former Milwaukee railroad. Public access is provided at a public park on the north side immediately east of I-405. Public ~~physical access from a trail parallel to along~~ the water~~front~~ should be provided as private lands on the north side of the river redevelop, ~~integrated with vegetation conservation, and with controlled public access to the water's edge, balanced considered along with the goals of enhancement restoration~~ of ecological functions. The single-family residential area on the north side of the river provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include additional interpretive trails and trail linkages through public lands on the south side of the river, if consistent with ecological functions and public acquisition of access to the water in existing single-family areas, where appropriate.

#### 4-3-090C.4.c Shoreline High Intensity Overlay District

**Acceptable Activities and Uses:** Subject to RMC 4-3-090E Use Regulations, which allows land uses in RMC 4-2 in this overlay district, subject to the preference for water-dependent and water-oriented uses. Uses adjacent to the water's edge and within buffer areas are reserved for water-oriented development, public access, and ~~/or~~ ecological ~~enhancement restoration~~.

#### 4-3-090D.4.b Public Access Required

**Public Access Required:** Public access shall be provided for the following development, subject to the criteria in subsection d.

- i. Water-dependent uses and developments that increase public use of the shorelines and public aquatic lands, or that would impair existing legal access opportunities, or that utilize public harbor lands or aquatic lands, or that are developed with public funding or other public resources.
- ii. Non-water-dependent development and uses ~~shall provide public access and/or ecological restoration consistent with the specific use standards in RMC 4-3-090E Use Regulations.-~~
- iii. Developments of more than ten (10) single-family residential lots or single-family dwelling units, including subdivision, within a proposal or a contiguously owned parcel are required to provide public access. Developments of more than four (4), but less than ten (10) single-family residential lots or single-family dwelling units, including subdivision, within a proposal or a contiguously owned parcel are required to provide community access.
- iv. Development of any non-single family residential development or use ~~consistent with the specific use standards in RMC 4-3-090E.9 Residential Development.~~
- v. Any use of public aquatic lands, except as related to single-family residential use of the shoreline, including docks accessory to single-family residential use.
- vi. Publicly financed or subsidized flood control or shoreline stabilization shall not restrict public access to the shoreline and shall include provisions for new public access to the maximum extent feasible.
- vii. Public access provided by shoreline street ends, public utilities, and rights of way shall not be diminished by any public or private development or use (RCW 35.79.035 and RCW 36.87.130).

#### 4-3-090D.4.f Public Access Table (add preamble)

~~The following table identifies the performance standards for public access within the shoreline, and shall be applied if required by the use regulations or development standards of the Shoreline Master Program.~~

#### 4-3-090D.4.f Public Access Table, Cedar River Reach C

~~Public access along the waterfront should be provided as private lands on the north side of the river redevelop, considered along with the goal of restoration of ecological functions. Public physical access from a trail parallel to the water should be provided as private lands on the north side of the river redevelop, integrated with vegetation conservation, and with controlled public access to the water's edge, balanced with goals of enhancement of ecological functions.~~ Public access shall be provided when residential lots are subdivided consistent with standards of this section.

#### 4-3-090E.4 Commercial and Community Services

- a. **Use preference and priorities:** New commercial and community services developments are subject to the following:
  - i. **Water-Dependent Uses:** Water-dependent commercial and community service uses shall be given preference over water-related and water-enjoyment commercial and community service uses. Prior to approval of water-dependent uses, the ~~reviewing official~~Reviewing Official shall review a proposal for design, layout, and operation of the use and shall make specific findings that the use qualifies as a water-dependent use. Water-dependent commercial and community service uses shall provide public access in a manner that will not interfere with the water-dependent aspects of the use. The portion of a site not required for water-oriented use may include multiple use, approved non-water-oriented uses, ecological restoration, and public access. All uses shall provide public access in accordance with RMC 4-3-090.D4.f Table of Public Access Requirements by Reach. On Lake Washington, multiple use development that incorporates water-dependent use within 100 feet of the OHWM may not include non-water-oriented uses at the ground level.
  - ii. **Water-Related Uses:** Water-related commercial and community service uses shall not be approved if they displace existing water-dependent uses. Prior to approval of a water-related commercial or community service use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient. ~~Multiple use development within 100 feet of the OHWM that incorporates water-dependent use may not include non-water-oriented uses at the ground level except as consistent with a Master Site Plan approved prior to the adoption of this section.~~ On Lake Washington, allowed water-related commercial and community service uses shall be evaluated in terms of whether the use facilitates a state-wide interest, including increasing public access and public recreational opportunities in the shoreline.
  - iii. **Water-Enjoyment Uses:** Water-enjoyment commercial and community service uses shall not be approved if they displace existing water-dependent or water-related uses or if they occupy space designated for water-dependent or water-related use identified in a substantial development permit or other approval. Prior to approval of water-enjoyment uses, review of the design, layout, and operation of the use shall confirm that the use facilitates public access to the shoreline ~~as~~, or the use provides for aesthetic enjoyment of the shoreline for substantial number of people as a primary characteristic of the use. ~~In order to qualify as a water-enjoyment use, the~~The ground floor of the use must be ordinarily open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. ~~On Lake Washington, development within 100 feet of the OHWM that incorporates water-enjoyment use may not include non-water-oriented uses or activities at the ground level.~~ On Lake Washington, aAllowed water-enjoyment commercial uses shall be evaluated in

terms of whether the use facilitates a state-wide interest, including increasing public access and public recreational opportunities in the shoreline.

iv. **Non-water-oriented Uses:** Non-water-oriented commercial and community service uses may be permitted where:

- (1) Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of the Shoreline Master Program, or established with the approval of the City; ~~or-~~
- (2) ~~Where P-~~Proposed on a site where navigability is severely limited (i.e. all shoreline rivers and creeks), the commercial or community service use provides a significant public benefit such as providing public access and ~~/or~~ ecological restoration; ~~or-~~
- (3) ~~Where the~~The use is part of a multiple use project that provides significant public benefit with respect to the objectives of the Act ~~by~~such as:
  - (a) Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards for the specific reach as specified in RMC 4-3-090.F.1 Vegetation Conservation and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA 8 Salmon Restoration Plans, and/or-
  - (b) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access.

b. **Over-water Structures:** Over-water structures are allowed only for those portions of water-dependent commercial uses that require over-water facilities or for public recreation and public access facilities. Non-water-dependent commercial uses shall not be allowed over water except in limited instances where they are appurtenant to and necessary in support of water-dependent uses.

c. **Setbacks:** Public access adjacent to the water may be located within the required setback, subject to the standards for impervious surface in RMC 4-3-090D.7.a. ~~Setbacks for non-water-oriented commercial buildings shall provide for public access adjacent to the water and~~ shall be located no closer than 100 feet from the ordinary high water mark; provided this requirement may be reduced in accordance ~~with the provisions of the Shoreline Bulk Standards Table in RMC 4-3-090D.7, or through the conditional use process for specific designs that improve the overall quality of public access to and along the water's edge and maintain the ecological functions of Vegetation Conservation buffers in accordance with RMC 4-3-090.F.1 Vegetation Conservation.~~

d. **Scenic and Aesthetic Qualities:** All new or expanded commercial and community services developments shall take into consideration the scenic and aesthetic qualities of the shoreline and compatibility with adjacent uses as provided in RMC 4-3-090. D.3, Use Compatibility and Aesthetic Effects and RMC 4-3-090.D.5, Facility Arrangement- Shoreline Orientation.

#### 4-3-090E.5 Industrial Use

iv. **Non-water-oriented Uses:** Non-water-oriented industrial uses may be permitted where:

- (1) Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of the Shoreline Master Program; or
- (2) On a site that abuts the water's edge where navigability is severely limited (i.e. all shoreline rivers and creeks) and where the use provides significant public benefit with respect to the objectives of the Act by:
  - (a) Restoration of ecological functions both in aquatic and upland environments that



shall provide native vegetation buffers according to the standards for the specific reach as specified in RMC 4-3-090.F.1 Vegetation Conservation and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA 8 and 9 Salmon Restoration Plans; and /or

- (b) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in accordance with RMC 4-3-090. D.4 Public Access.

#### 4-3-090F.1.I Vegetation Conservation Buffer Standards by Reach (Add Preamble)

The following table identifies the performance standards for maintenance and restoration of the vegetation conservation buffer, and shall be applied if required by the use regulations or development standards of the Shoreline Master Program.

#### 4-3-090F.1.I Vegetation Conservation Buffer Standards by Reach (Cedar River Reach C)

Enhancement of native riparian vegetation shall be implemented as part of management of public parks. Full standard native vegetation buffers should be maintained on the public open space on the south side of the river, subject to existing trail corridors and other provisions for public access. ~~Full standard~~ Enhancement of native riparian vegetation within the standard or modified buffers shall be provided upon redevelopment of the north shore, subject to public access set back from the water's edge and may provide for water-oriented use adjacent to the water's edge except in areas where water-oriented use and/or public access is provided. The vegetation conservation buffer may be designed to incorporate floodplain management features including floodplain compensatory storage.

#### **HEIGHT**

*Allow 35' height for single-family residences. Allow higher buildings in the High-Intensity environment.*  
(RSC-changed standards)

#### 4-3-090D.7

<b>Building Height- Maximum</b>	Shoreline Single Family	High Intensity
In water	<del>30-35</del> ft. <sup>5</sup>	35 ft. <sup>5</sup>
Within 100 feet of OHWM	<del>30-35</del> ft. <sup>10</sup>	35 ft. <sup>6</sup>
More than 100 feet from OHWM	<del>30-35</del> ft. <sup>10</sup>	35 ft. <sup>6</sup>
Accessory Building	15 feet	Same as above

(5) Additional height may be allowed if essential to the function of a water-dependent use, except as consistent with a Master Site Plan approved prior to the adoption of this Section.

(6) Additional height may be allowed if essential to the function of a water-dependent use. Height up to that established in RMC 4-2 may be allowed for non water-dependent uses in the following reaches:

**Lake Washington Reaches C, H, I, and J; Cedar River Reaches A, B, and C; Black River Reach A; and Springbrook Creek Reaches B, C, and D.**

(1) Building landward of 100' (100 ft.) from OHWM, the maximum building height shall be defined by a maximum allowable building height envelope that shall:

- a. Begin along a line lying parallel to and 100' (100 ft.) from OHWM at a height of either 35' (35 ft.) or one half the maximum height allowed in the underlying zone, whichever is greater; and

b. Have an upward, landward transition at a slope of 1 vertical to 1 horizontal from the beginning height until either the maximum height allowed in the underlying zoning in RMC 4-2 is reached, or to the end of shoreline jurisdiction, whichever comes first. At that point the height shall extend landward at the maximum height allowed in the underlying zoning.

(2) For buildings allowed waterward of 100' (100 ft.) from OHWM through a modified setback, the maximum building height shall be as follows:

a. Beginning at the modified setback line the maximum building height shall be defined by a maximum allowable building height envelope that shall:

i. Begin at a height of 35' (35 ft.) along the line of the modified setback; and

ii. Have an upward, landward transition at a slope of 1 vertical to 1 horizontal from the beginning height until either the maximum height allowed in the underlying zoning in RMC 4-2 is reached, or to the line lying parallel to and 100' (100 ft.) from OHWM, whichever comes first; and

b. Landward of 100' (100 ft.) from OHWM, the applicant shall have the option of choosing the maximum building height defined by either:

i. The maximum allowable building height envelope described in (1), above; or

ii. The maximum allowable building height envelope described in (2)a.i, above shall continue an upward, landward transition at a slope of 1 vertical to 1 horizontal from the beginning height until either the maximum height allowed in the underlying zoning in RMC 4-2 is reached, or to the end of shoreline jurisdiction, whichever comes first. At that point the height shall extend landward at the maximum height allowed in the underlying zoning.

i. ~~— Additional height may be allowed subject to a transition for height greater than 35 feet equal to a slope of 1 horizontal to 2 vertical from the point 100 feet from OHWM to the point at which maximum height is reached, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the buffer, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height.~~

~~**Lake Washington Reaches H and I**— Additional height may be allowed for a multiple-use structure containing a water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal from a height of 35 feet from the building closest to the OHWM, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the buffer and the transition slope provided within 100 feet of OHWM shall be at a maximum slope of 1 vertical to 2 horizontal, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height, except as consistent with a Master Site Plan approved prior to the adoption of this Section.~~

~~**Lake Washington Reach J**— Additional height may be allowed in the Renton Municipal Airport for any structure for which additional height is essential for airport operation and there is no feasible location outside the shoreline.~~

~~**Cedar River Reach A**— Additional height may be allowed in the Renton Municipal Airport for any structure for which additional height is essential for airport operation and there is no feasible location outside the shoreline.~~

~~**Cedar River Reach B**— Additional height may be allowed for multiple use containing water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal from the elevation of the OHWM.~~

~~**Cedar River Reach C**— Additional height may be allowed for multiple use containing water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal from a height of 35 feet from the building closest to the OHWM, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the buffer and the transition slope provided within 100 feet of OHWM shall be at a maximum slope of 1 vertical to 2 horizontal, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height.~~

~~**Black River A**— Additional height may be allowed for multiple use containing water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal from a height of 35 feet from the building closest to the OHWM, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the vegetated buffer and the transition slope provided within 100 feet of OHWM shall be at a maximum slope of 1 vertical to 2 horizontal, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height.~~

~~**Springbrook Creek Reaches B through D**— Additional height may be allowed, provided a transition is provided equal to a slope of 1 vertical to 2 horizontal from the elevation of the OHWM and provided no additional floor area is allowed by additional height in the area within 100 feet from the OHWM compared to that allowed by a 35-foot height.~~

(10) If the maximum allowed height in the underlying zoning is less than the maximum allowed height in the shoreline environment, a variance from the standard in RMC chapter 4-2 must be obtained from the Reviewing Official to allow any height over the amount allowed in the underlying zone.

## **MISCELLANEOUS**

*Expand definition of water-enjoyment use (RSC- clarification)*

### **RMC 4-11-230**

WATER-ENJOYMENT USE: Referring to a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through the location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to the shorelines of the state; and general water-enjoyment uses may include, but are not limited to, restaurants, museums, aquariums, scientific/ecological reserves, resorts/hotels, riverwalk developments, and multiple use commercial/office/residential development; provided that such uses conform to the above water-enjoyment specifications and the provisions of the Shoreline Master Program.

*Require a supplemental stream or lake study only under limited circumstances (RSC- changed standard)*  
4-8-120C Submittal Standards Table (Legend)

8. A standards stream or lake study is required for any application proposal. A supplemental stream or lake study is also required if ~~an unclassified stream is involved, or if the proposal would result in alterations of the water body. If substantial~~ impacts to ~~the existing vegetation within the required or alterations of the water body or~~ buffer, ~~as are~~ identified in the standard stream or lake study a supplemental stream or lake study may be required by the Reviewing Official. A stream or lake mitigation plan will be required prior to final approval for any plans or permits that result in ~~impacts to or alterations of the water body or buffer~~ mitigation identified in the supplemental stream or lake study.

4-8-120D Definitions of Terms Used in Submittal Requirements... Stream or Lake Study, Standard

c. Stream or Lake Assessment Narrative: A narrative report on 8.5" x 11" paper shall be prepared to accompany the site plan and describes:

- (1) The stream or lake classification as recorded in the City of Renton Water Class Map in RMC 4-3-050Q4 or RMC 4-3-090;
- (2) The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending one hundred feet (100') upstream and downstream from the property line, including the impacts of the proposal on the identified vegetation;
- (3) The ecological functions currently provided by the stream/lake and existing riparian area and the impacts of the proposal on the identified ecological functions;
- (4) Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas, including the impacts of the proposal on the identified fish and wild life;
- (5) Measures to protect trees, as defined per RMC 4-11-200, and vegetation; and
- (6) For shorelines regulated under RMC 4-3-090 Shoreline Master Program, the study shall demonstrate if the proposal meets the criteria of no net loss of ecological functions as described in RMC 4-3-090D2. If the proposal requires mitigation for substantial impacts to the existing vegetation buffer in order to demonstrate no net loss of ecological functions, a supplemental stream or lake study ~~is may be~~ required by the Reviewing Official.

4-3-090F.1.f

a. **Averaging of Buffer Width:**

- i. **Authority:** Based upon an applicant's request, and the acceptance of a Supplemental Standard Stream or Lake Study, the ~~Reviewing official~~Reviewing Official may approve buffer width averaging.
- ii. **Criteria for Approval:** Buffer width averaging may be allowed only where the applicant demonstrates all of the following:
  - (1) The water body and associated riparian area contains variations in ecological sensitivity or there are existing physical improvements in or near the water body and associated riparian area;
  - (2) Buffer width averaging will result in no-net loss of stream/lake/riparian ecological function;

- (3) The total area contained within the buffer after averaging is no less than that contained within the required standard buffer width prior to averaging;
- (4) In no instance shall the buffer width be reduced to less than 50 feet;
- (5) The proposed buffer standard is based on consideration of the best available science as described in Washington Administrative Code (WAC) 365-195-905; or where there is an absence of valid scientific information; the steps in RMC 4-9-250F are followed.

*Lake Desire Natural Area Clarification (Public Comment- clarification)*

SH-31, Lake Desire

Public access is provided by a WDFW boat launch. There is currently no formal public access to the water at the natural area at the south end of the lake, nor the County-designated natural area at the north end of the lake. Interpretive access should be implemented in a manner consistent with ecological values. Existing single-family residential development provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include public acquisition of access to the water where appropriate. Access for interpretive purposes may be an element of public acquisition of wetlands.

4-3-090D.4.f – Lake Desire

If the existing boat launch area is altered in the future, public access other than boating facilities should include a viewing area. There is currently no formal public access to the water at the Natural Area at the south end of the lake or the County designated Natural Area at the north end of the lake. Interpretive access should be implemented consistent with standards of this section and goals for preservation and restoration of ecological values. Public access shall be provided when lots are subdivided or new non-residential development occurs consistent with standards of this section.

4-3-090F.1.l- Lake Desire

This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts should be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation. Shoreline vegetation enhancement should take place at the WDFW boat launching site balancing values of riparian vegetation with public access. Existing shoreline vegetation in ~~this the~~ publicly owned natural areas should be preserved with some accommodation for interpretive access to the water as a part of park management plans, subject to the primary objective of protecting ecological functions.

*Remove redundant statement about architectural features (P&DC- clarification)*

4-3-090D.3.v

~~v. **Architectural Features Required:** Buildings shall incorporate architectural features that reduce scale such as stepbacks, pitched roofs, offsets, and recesses.~~

~~vi.v.~~ **Reflected Lights to be Limited:** Building surfaces on or adjacent to the water shall employ materials that limit reflected light.

~~vii.vi.~~ **Integration and Screening of Mechanical Equipment:** Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent feasible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.

~~viii-vii.~~ **Visual Prominence of Freestanding Structures to be Minimized:** Facilities not incorporated into buildings including fences, piers, poles, wires, lights, and other free-standing structures shall be designed to minimize visual prominence.

~~ix-viii.~~ **Maximum Stair and Walkway Width:** Stairs and walkways located within shoreline vegetated buffers shall not exceed 4 feet in width; provided that, where ADA requirements apply, such facilities may be increased to 6 feet in width. Stairways shall conform to the existing topography to the extent feasible.

~~x-ix.~~ **Other Design Standards:** Any other design standards included in community plans or regulations adopted by the City shall be incorporated.

*Require light penetration for overwater structures in Marinas (Muckleshoot Tribe- clarification)*

4-3-090E.6.d.vii

New covered moorage for boat storage is prohibited. Covered over-water structures may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water structures. When feasible any covered overwater structures shall incorporate windows, skylights, or other materials to allow sufficient light to reach the water's surface.

*Add reference to off-site mitigation requirements (Staff- clarification)*

4-9-190I.4.b Decision Criteria for Shoreline Variances

vii. Proposals that vary the size of the vegetation conservation buffer must provide for off-site mitigation in accordance RMC4-3-090F.1.k.

*Allow Aquaculture (Muckleshoot Tribe- change standard)*

4-3-090E.1

	Natural	Urban Conservancy
Aquaculture	<del>P<sup>1</sup></del>	<del>P<sup>1</sup></del>

1. Provided that the use does not degrade the ecological functions or natural character of the shoreline area.

*Give Reviewing Official the authority to consider property rights issues (RSC- clarification)*

4-3-090D.8 Private Property Rights

Regulation of private property to implement any Program goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes, such as RCW 34.05.328, 43.21C.060, and 82.02. The Reviewing Official shall have the authority to make findings concerning public access regarding nexus and proportionality on any shoreline permit.

*Add clarifying language to the Landfill and Excavation section (RSC- clarification)*

4-3-090F.2 Landfill and Excavation (only the sections with clarifications are included below)

- a. ~~Minimum Necessary~~ **General Provisions:** Landfill and excavation shall only be permitted in conjunction with an approved use or development and allowed with assurance of no net loss of shoreline ecological functions. Excavation below the ordinary high water mark is considered "dredging" and is addressed in a separate section.

**c. Review Standards:** All landfills and excavations shall be evaluated in terms of all of the following standards:

- i. The overall value to the public of the results of the fill or excavation site as opposed to the value of the shoreline in its existing state as well as evaluation of alternatives to fill that would achieve some or all of the objectives of the proposal.
  - ii. Effects on ecological functions including, but not limited to functions of the, substrate of streams and lakes and affects on aquatic organisms, including the food chain, effects on vegetation functions, effects on local currents and erosion and deposition patterns, effects on surface and subsurface drainage, and effects on flood waters.
  - iii. Whether shoreline stabilization will be necessary to protect materials placed or removed and whether such stabilization meets the policies and standards of the Shoreline Master Program.
  - iv. Whether the landfill or excavation will adversely alter the normal flow of floodwater, including obstructions of flood overflow channels or swales, after taking into account any compensating flood storage provided by the proposal.
  - v. Whether public or tribal rights to the use and enjoyment of the shoreline and its resources and amenities is impaired.
- e. **Shoreline Conditional Use Required:** All fill and excavation below-waterward of the OHWM not associated with ecological restoration, flood control or approved shoreline stabilization shall require a Shoreline Conditional Use Permit.

*Replace term “erosion control structure” with “shoreline stabilization structure” (RSC- clarification)*

4-3-090F.4.iv Limited New Shoreline Stabilization Allowed

- iv. **Limited New Shoreline Stabilization Allowed:** New structural stabilization measures shall not be allowed except when necessity is demonstrated in one of the following situations:

**(1) To protect existing primary structures:**

- (a) New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents, or waves within three years, or where waiting until the need is immediate would prevent the opportunity to use measures that avoid impacts on ecological functions. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization if on-site drainage is a cause of shoreline instability at the site in question.
- (b) The ~~erosion control~~shoreline stabilization structure is evaluated by the hierarchy in subsection a.iii above.
- (c) The shoreline stabilization ~~erosion control~~ structure will not result in a net loss of shoreline ecological functions.
- (d) Measures to reduce shoreline erosion in a channel migration zone (CMZ) require a geomorphic assessment by a Washington licensed geologist with engineering geology or hydrogeology specialty license plus experience in conducting fluvial geomorphic assessments. Erosion control measures are



only allowed if it is demonstrated that: the erosion rate exceeds that which would normally occur in a natural condition; the measure does not interfere with fluvial hydrological and geomorphologic processes normally acting in natural conditions; and the measure includes appropriate mitigation of impacts to ecological functions associated with the stream.

- (2) **New Development:** In support of new development when all five of the conditions listed below apply and are documented by a geotechnical analysis:
- (a) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
  - (b) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  - (c) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as currents, and waves.
  - (d) The shoreline stabilization ~~erosion control~~ structure is evaluated by the hierarchy in subsection a.iii, above.
  - (e) The shoreline stabilization ~~erosion control~~ structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.
  - (f) The proposed new development is not located in a channel migration zone (CMZ).
- (3) **Restoration and Remediation Projects:** To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to Chapter 70.105D RCW when all three of the conditions below apply and are documented by a geotechnical analysis:
- (a) The shoreline stabilization ~~erosion control~~ structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.
  - (b) The shoreline stabilization ~~erosion control~~ structure is evaluated by the hierarchy in subsection a.iii, above.
- (4) **Protect Navigability:** To protect the navigability of a designated harbor area when necessity is demonstrated in the following manner by a geotechnical report:
- (a) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  - (b) The shoreline stabilization ~~erosion control~~ structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.
  - (c) The shoreline stabilization ~~erosion control~~ structure is evaluated by the hierarchy in subsection a.iii above.